

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

1) CASSANDRA HANSON,)
vs. Plaintiff,)
vs.) No. CIV-21-362-D
1) DOLLAR GENERAL and/or DOLGENCORP, LLC,)
d/b/a DOLLAR GENERAL #9754; and)
2) DEBORAH BAKER,)
Defendants.)

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441(b) and 1145, Defendants, Dollar General and/or Dolgencorp, LLC, d/b/a Dollar General #9754, hereby give notice of removal of Case No. CJ-2021-1364 filed in the District Court of Oklahoma County, State of Oklahoma, to the United States District Court for the Western District of Oklahoma. In further support, the Defendants, Dollar General and/or Dolgencorp, LLC, d/b/a Dollar General #9754 would state:

1. Section 1441(a) provides that “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant...to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. §1441(a). Section 1332(a) provides that federal district courts “shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between...citizens of different States.” *Id.* §1332(a).

2. On March 29, 2021, Plaintiff's attorney commenced an action in the District Court of Oklahoma County, State of Oklahoma, by filing a Petition in Case No. CJ-2021-1364, styled: *Cassandra Hanson, Plaintiff vs. Dollar General and/or Dolgencorp, LLC, d/b/a Dollar General #9754, and Deborah Baker, Defendants.*

3. This action is one which may be removed to this Court pursuant to 28 U.S.C. § 1441(a) because, as set forth below, this action is between citizens of different states and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

4. In compliance with LCvR 81.2(a) of the Local Civil Rules for the U.S. District Court of the Western District of Oklahoma, a copy of the State Court docket sheet is attached hereto. (Docket Sheet [Ex. 1]). In compliance with 28 U.S.C. § 1446(a), file-stamped copies of all the process, pleadings, and orders filed in State Court are also attached hereto. (Plaintiff's Petition, [Exh. 2]; Summons served on Dolgencorp, LLC, [Exh. 3]; Summons served on Dollar General [Exh. 4]; Summons served on Deborah Baker [Exh. 5]; Defendant's Entry of Appearance [Exh. 6]); Defendants' Motion to Dismiss Deborah Baker [Exh. 7]; Plaintiff's Amended Petition [Exh. 8].

5. Plaintiff is a citizen of Oklahoma County, State of Oklahoma. Thus, for purposes of jurisdiction, Plaintiff is a citizen of Oklahoma.

6. Defendant, Dolgencorp, LLC, d/b/a Dollar General #9754, a foreign limited liability company, is a corporation duly organized and existing under the laws of the State of Kentucky and no other state, with its principal place of business in Tennessee, it is not a citizen of Oklahoma. Thus, for the purposes of jurisdiction, Defendant, Dolgencorp, LLC, is a citizen of Tennessee. 28 U.S.C. 1332(c)(1).

7. Defendant, Dollar General, is a corporation duly organized and existing under the laws of the State of Kentucky and no other state, with its principal place of business in Tennessee, it is not a citizen of Oklahoma. Thus, for the purposes of jurisdiction, Defendant, Dollar General, is a citizen of Tennessee. 28 U.S.C. 1332(c)(1).

8. In her state court Petition, the Plaintiff has asserted a claim for negligence arising from an incident at the Defendant's store located in Harrah, Oklahoma. Plaintiff alleges that she was injured on December 8, 2020, while shopping in the Dollar General Store. The Plaintiff asserts in her Petition that she suffered a fractured bone in her left foot, which required surgical repair, causing Plaintiff to incur medical expenses in the past and to incur additional medical expenses in the future; suffer physical pain, past and future; mental anguish, past and future; and loss of household services. According to her Petition, the Plaintiff is seeking judgment against the Defendants in an amount in excess of the amount required for diversity jurisdiction pursuant to Section 1332 of Title 28 of the United States Code, in addition to her attorney's fees and costs.

9. The aforesaid action was commenced by service of summons upon Defendants, on the 1st day of April, 2021, and this Notice of Removal is, therefore, timely filed under the provisions of 28 U.S.C. § 1446.

10. Pursuant to U.S.C. § 1446(d) copies of this Notice of Removal are being served on Plaintiff's counsel and upon the District Court of Oklahoma County, Oklahoma.

JURY TRIAL REQUESTED

Respectfully Submitted,

By: S/Gary W. Farabough
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CERTIFICATE OF SERVICE

I certify that, on the same date this Notice of Removal was filed in the United States District Court for the Western District of Oklahoma, a true and correct copy of said Notice of Removal was served upon the above-named Plaintiff, by mailing said copies to Plaintiff's Attorneys of Record, Jason Waddell, 222 NW 13th Street, Oklahoma City, Oklahoma, 73103, and further that a copy of said Notice of Removal was delivered to Rick Warren, Court Clerk of Oklahoma County, 320 Robert S. Kerr Avenue, Suite 409, Oklahoma City, Oklahoma, 73102.

s/Gary W. Farabough
Gary W. Farabough